

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

PEOPLES BANK, a Washington
corporation,

Plaintiff,

v.

P/C ENCORE, Official Number 515256,
her engines, tackle, apparel, furniture,
appurtenances, and equipment, *In Rem*,
and RONALD P. LARAMIE, *In Personam*,

Defendants.

IN ADMIRALTY

NO. C15-5750RJB

ORDER APPOINTING DOCK
STREET CUSTODIAL, LLC
SUBSTITUTE CUSTODIAN
AND AUTHORIZING MOVEMENT
OF VESSEL

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON:

Plaintiff, Peoples Bank, by and through its attorney of record, having made
appearance and made the following recitals:

1. On October 16, 2015, the Complaint herein was filed praying that the
vessel P/C ENCORE, Official Number 515256, her engines, tackle, apparel, furniture,
appurtenances and equipment, be condemned and sold to pay plaintiff's claims and for

1 other proper relief.

2 2. The Clerk of the Court has been authorized to issue a Warrant for Arrest
3 commanding the United States Marshal for this District to arrest and take the
4 defendant vessel into custody and to detain it in custody until further Order of this
5 Court.

6 3. It is contemplated that the United States Marshal will seize the defendant
7 vessel forthwith. Custody by the U. S. Marshal requires the services of one or more
8 keepers at a charge of \$250.00 or more per day for the keepers alone and not including
9 charges for moorage, storage and the other services usually associated with safekeeping
10 vessels similar to the defendant vessel.

11 4. It is believed that the defendant vessel is currently moored in Tacoma,
12 Washington. After its arrest, the vessel will be towed to a secure moorage facility in
13 Seattle, Washington. Unless something unexpected is encountered, charges for towing
14 should not exceed \$2,500.00.

15 5. Plaintiff is agreeable to allow Dock Street Custodial, LLC, through its
16 managing member, Jeffrey T. Osborn, to assume the responsibility of safekeeping said
17 vessel and Dock Street Custodial, LLC, through its managing member, Jeffrey T.
18 Osborn, has consented to act as her custodian until further Order of this Court. Fees
19 and expenses to be charged by Dock Street Custodial, LLC will be substantially less than
20 the cost of leaving the defendant vessel in the custody of the U. S. Marshal.

21 6. Jeffrey T. Osborn, managing member, Dock Street Custodial, LLC, by
22 declaration appended hereto and made a part hereof, avers that neither he nor Dock
23 Street Custodial, LLC has any interest in the outcome of this lawsuit, that he can
24 arrange for adequate storage and supervision for the proper safekeeping of the vessel,
25 and that he has obtained liability insurance with policy limits of not less than

1 \$1,000,000.00 which is expected to be adequate to respond in damages for loss of or
2 injury to the defendant vessel or for damages sustained by third parties due to any acts,
3 faults or negligence of said Substitute Custodian. Further, in his declaration, Jeffrey T.
4 Osborn, on behalf of Dock Street Custodial, LLC, agrees to accept custody of the
5 defendant vessel and its equipment which is the subject of the action herein, in
6 accordance with the terms of this Order.

7 7. In consideration of the U. S. Marshal's consent to the appointment of Dock
8 Street Custodial, LLC, through its managing member, Jeffrey T. Osborn, as Substitute
9 Custodian, plaintiff agrees to release the United States and the U. S. Marshal from any
10 and all liability and responsibility arising out of the care and custody of the defendant
11 vessel and its equipment, from the time the U. S. Marshal transfers custody of the vessel
12 over to the Substitute Custodian, and plaintiff agrees to indemnify and hold the United
13 States and the U. S. Marshal harmless from any and all claims whatsoever arising out of
14 the Substitute Custodian's possession and safekeeping.

15
16 THEREFORE, IT IS ORDERED that the U. S. Marshal for the Western District
17 of Washington be, and is authorized and directed, upon the seizure pursuant to the
18 Warrant for Arrest of said defendant vessel, its engines, tackle, and all other necessities
19 thereunder appertaining and belonging, to surrender the custody thereof to Dock Street
20 Custodial, LLC, through its managing member, Jeffrey T. Osborn, as Substitute
21 Custodian, and that upon such surrender the U. S. Marshal shall be discharged from all
22 duties and responsibilities for the safekeeping of said vessel and held harmless from any
23 and all claims arising out of said custodial services.

24 IT IS FURTHER ORDERED that the Substitute Custodian shall see to and be
25 responsible for the safekeeping of the defendant vessel. Duties of the Substitute

1 Custodian shall include, but are not limited to, ensuring that there is adequate, safe
2 moorage for the defendant vessel. The Substitute Custodian is not required to have a
3 person live on board the defendant vessel, but an officer or authorized agent of the
4 Substitute Custodian shall go on board from time to time to carry out the duties of
5 Substitute Custodian. No other person shall be allowed to enter on the defendant vessel
6 except as provided for herein or as otherwise expressly authorized by Order of this Court.

7 IT IS FURTHER ORDERED that the defendant vessel may be moved by safe
8 means from its present moorage to safe, secure moorage at a facility in Seattle,
9 Washington. The Substitute Custodian shall notify the Office of the U. S. Marshal that
10 the vessel is to be moved and shall again notify the Office of the U. S. Marshal when the
11 vessel has been moved and is securely moored. Once the vessel has been moved and
12 moored, it shall not be moved again without further Order of the Court.

13 IT IS FURTHER ORDERED that the Substitute Custodian, may, but is not
14 required to, retain a locksmith and a marine engineer familiar with the vessel or its
15 equipment and take them on board the vessel with authorized agents of the Substitute
16 Custodian to assist in the moving and securing of the vessel.

17 IT IS FURTHER ORDERED that the Substitute Custodian, may, but is not
18 required to, remove those pieces of electronic equipment on board the vessel, if any,
19 which may be easily removed without damage to the vessel, and that such removed
20 electronic equipment shall be stored in a safe, secure storage and subsequently returned
21 to the defendant vessel or retained by the Substitute Custodian pending further Order of
22 this Court.

23 IT IS FURTHER ORDERED that the Substitute Custodian, may, but is not
24 required to, retain such services as are necessary to clean the interior and/or exterior of
25 the vessel, with such cleaning services to be performed under the supervision of the

1 Substitute Custodian.

2 IT IS FURTHER ORDERED that plaintiff shall arrange to pay charges for towing
3 and moorage of the vessel, shall pay the fees and costs of the Substitute Custodian and
4 shall reimburse the Substitute Custodian for costs incurred in securing the vessel, in
5 conducting the inventory of the equipment on board, and in removing and storing the
6 electronic equipment and having the vessel cleaned.

7 IT IS FURTHER ORDERED that all authorized expenses, hereafter approved by
8 the Court, for towing in an amount not to exceed \$2,500.00, for securing and conducting
9 the inventory of the vessel in an amount not to exceed \$65.00 per hour, for custody of the
10 vessel and its equipment in an amount not to exceed \$750.00 per month with a minimum
11 of one month's charges payable, for moorage and electric shore power in an amount not
12 to exceed \$1,200.00 per month, for insurance on the vessel in an amount not to exceed
13 \$500.00 for the first year of Substitute Custodian's insurance, and for charges of a
14 locksmith, of a marine engineer, for cleaning and securing the vessel and for storing
15 electronic equipment, which are incurred by the Substitute Custodian or plaintiff for the
16 movement and safekeeping of the defendant vessel and its equipment, shall be deemed
17 administrative expenses of the U. S. Marshal.

18 IT IS FURTHER ORDERED that plaintiff's attorney shall send a copy of this
19 Order to the owner of the defendant vessel by Certified Mail, Return Receipt
20 Requested addressed to the last known address.

21 DATED this 20th day of October, 2015.

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24 ROBERT J. BRYAN
25 United States District Judge

1 Presented By:

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5 Stan Loosmore, WSBA #6011
6 Attorney for Plaintiff
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Order Appointing Dock Street Custodial, LLC Substitute
Custodian and Authorizing Movement of Vessel - 6

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